



WMMG 3545
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jeffrey A. Martin et al. Art Unit 3643
Serial No. 10/059,564
Filed January 29, 2002
Confirmation No. 7937
For OPTIMUM DENSITY TERMITE BAIT COMPOSITION

February 11, 2004

DECLARATION OF RONALD O. RICHARDSON
UNDER 37 C.F.R. 1.132

COMMISSIONER FOR PATENTS,

SIR:

I, Ronald O. Richardson, hereby declare as follows:

1. I am a resident of Ellisville, Missouri and am employed as Senior Formulations Chemist for Whitmire Micro-Gen Research Laboratories, Inc., the assignee of the above-identified patent application.

2. My educational background and work experience are as follows:

a. I hold an Associate Arts and Science degree that I received in 1972 from Kansas City, Kansas Community College.

b. Currently, and since February 1996, I am employed as a Senior Formulation Chemist at Whitmire Micro-Gen in St. Louis, Missouri. My duties include research and development of formulations for use in the commercial pest control business with emphasis on bait systems. During my employ with Whitmire Micro-Gen, I was awarded U.S. Patent No. 6,416,752.

c. From June 1984 to January 1995, I was employed as a Senior Formulation Chemist at Monsanto Agriculture Group, North America Division in St. Louis, Missouri. My duties included: developing encapsulated herbicides and fungicides using natural gum products and developing dry and liquid package mix

formulations of RoundUp® with additional co-herbicides. I also conceived and developed "Quik Stik" herbicide, a RoundUp® effervescent tablet for the residential market and developed prototype insecticide and herbicide products based upon effervescent and non-effervescent tablet technology for the homeowner residential market. In addition, I developed dry RoundUp® products and technology (water soluble and water dispersible) from conception through scaleup and commercialization. I also evaluated and developed water soluble packaging applications and dry flowable safener, Screen WDG milo seed coating safener. During my employ at Monsanto Agriculture Group I was also Formulation Consultant for Packaging Department for water soluble bag applications and was the Monsanto U.S. / Japan Formulation Technology Liaison from 1986 to 1988. During my employ at Monsanto Agriculture I was awarded U.S. Patent Nos. 5,656,572, 5,872,078, 6,051,533 and 6,228,807, Japanese Patent Nos. 03115202 and 05186308 and European Patent No. 0568635.

d. From August 1982 to May 1984, I was employed as a Formulation Chemist/Scientist at Sandoz Crop Protection in Wasco, California. My duties included developing biological crop protection formulations of Thuricide and Teknar (*Bacillus thuringiensis* strains) into dry flowables, dusts, water based flowable and oil based flowable formulations.

e. From November 1972 to June 1982, I was employed as a Formulation Chemist-AG and Specialties at Thompson Hayward Chemical Co in Kansas City, Kansas. My duties included developing: emulsifier systems for various pesticide emulsifiable concentrates; tank mix additives and adjuvants for improved crop spraying applications including low volume aerial application products; pesticide dry flowables, water based flowables and oil based flowables; and surfactant specialty products for the

detergent, oil recovery and industrial chemical industries. I was also responsible for production and scaleup development of dry pesticide formulations, which included insecticides, herbicides, fungicides, baits and animal feeds. I was awarded Canadian Patent No. 1,155,675.

f. In 1997, I chaired and prepared the final report of the Research Communication Improvement Mini-Task Force where key areas for communication improvement among Whitmire researchers were identified and recommendations for improvement were communicated to management and researchers.

g. I have served as Research Safety Committee Representative and prepared the updated draft of the Whitmire Micro-Gen Research Laboratory and Safety Hygiene Plan.

h. In 1985 I successfully complete a short course entitled "ACS Microemulsion and Macroemulsion."

i. From 1986 to 2000, I have attended short courses and symposiums for "Tablet Formulation Technology," "Tablet Manufacturing," "Experimental Design," "Tablet/Granule Coating," "Microencapsulation," "Aerosol Technology," "Patent Law for Managers and Engineers," "GLP Training," "Total Quality Fundamentals," "Managerial Analytics" and "Effective Presentation."

* 3. Attached hereto is a brochure including photographs Fig. 1 and 3 showing three tablets in a tube or cartridge, such tablets having been prepared in accordance with the invention described and claimed in the above-identified patent application and containing a total of at least 93 grams of a bait composition as defined in claim 1 of the above-identified application. If a non-compacted bait composition were used, it would only require 30 grams to fill the same tube or cartridge. Thus, the present invention maximizes the amount of bait which may be loaded into a

termite bait station by reason of being compacted to an optimum density of not less than approximately 1.033 g/cc.

4. The term "optimum" as used in the specification and claims of the above-identified application is used in its ordinary or normal sense as referring to "best" or "most favorable" and would be so understood by those skilled in the art.

5. The term "purified cellulose" as used in the above-identified application would be understood by those skilled in the art as referring to cellulose subjected to hydrolysis and purification and differing from microcrystalline cellulose. Attached hereto is a copy of a brochure published by FMC, a supplier of microcrystalline cellulose and purified cellulose under the trademarks AVICEL, LATTICE and NILYN. Those skilled in the art are familiar with the terminology "microcrystalline cellulose" and "purified cellulose."

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 2-12-04

Ronald O. Richardson
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